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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,301	06/30/2005	Emma V Wright	124-1124	7693
23117 7590 08/31/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER TENTONI, LEO B	
			ART UNIT 1732	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/541,301	Applicant(s) WRIGHT ET AL.	
	Examiner Leo B. Tentoni	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06302005;03102006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (now claims 1-12 and 16-19) in the reply filed on 28 June 2007 is acknowledged.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobson et al (U.S. Patent 6,294,401 B1).

Jacobson et al (see the entire document, in particular, col. 3, line 37 to col. 6, line 43) teaches a solid structure fabrication method as claimed (to manufacture electrical, electromechanical or mechanical devices).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al (U.S. Patent 6,294,401 B1) as applied to claims 1-3 and 5 above, and further in view of Levy (U.S. Patent 6,863,859 B2).

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Levy (see the entire document, in particular, the abstract; col. 4, lines 2-18; col. 5, lines 3-23) teaches a solid structure fabrication method including the use of a fugitive material, and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Jacobson et al in view of Levy principally in order to provide support material (during the building process) which can be easily removed.

8. Claims 6-8, 10-12 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al (U.S. Patent 6,294,401 B1) as applied to claims 1-3 and 5 above, and further in view of Zheng (U.S. Patent Application Publication 2003/0235738 A1).

Zheng (see the entire document, in particular, paragraphs [0004] and [0073] - [0079]) teaches a solid structure fabrication method including making a solid oxide fuel cell (having an anode, a cathode and an electrolyte) and it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the disclosures of Jacobson et al and Zheng principally in order to manufacture an electrical device such as a solid oxide fuel cell.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al (U.S. Patent 6,294,401 B1) in

combination with Zheng (U.S. Patent Application Publication 2003/0235738 A1) as applied to claims 1-3, 5-8, 10-12 and 16-18 above, and further in view of Levy (U.S. Patent 6,863,859 B2).

Levy (see the entire document, in particular, the abstract; col. 4, lines 2-18; col. 5, lines 3-23) teaches a solid structure fabrication method including the use of a fugitive material, and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Jacobson et al in view of Levy principally in order to provide support material (during the building process) which can be easily removed.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al (U.S. Patent 6,294,401 B1) in combination with Zheng (U.S. Patent Application Publication 2003/0235738 A1) as applied to claims 1-3, 5-8, 10-12 and 16-18 above, and further in view of Gothait (U.S. Patent 6,658,314 B1).

Gothait (see the entire document, in particular, col. 5, lines 40-54) teaches a solid structure fabrication method including the use of a release layer (or film), and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Jacobson et al in

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view of Gothait principally in order to provide for better release of the final product from the building platform.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Leo B. Tentoni
Primary Examiner
Art Unit 1732

lbt